IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4571 OF 2007

Neel Nandini "B" Coop.
Housing Society & Anr. .. Petitioners

Versus

Municipal Corporation of
Gr.Mumbai & Ors. .. Respondents

Mr.R.C.Singh with D.R.Shah for petitioners
Mr.Sanjay Jain i/b. Vinod Mistry & Co. for respondent Nos. 2 and 3
Mr.A.Y.Sakhare, Senior Advocate for Respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th December 2007

P.C.

. The only apprehension expressed now before me by Mr.Singh appearing for society is that despite the suit having been filed by the society against the alleged illegal actions/additions/alterations of residential

flat, the communication dated 3rd May 2006 by Dy.Registrar may be misconstrued as a permission/authority from the Administrator to the concerned occupants and the Corporation to regularise the construction/work. It would also be construed by the Corporation as an act whereby the society has condoned the alleged additions and/or alterations.

2. To my mind, it is not necessary to clarify this aspect inasmuch as the suit is already filed and the same is pending. I am informed that there is an order passed by this Court directing parties to maintain status quo. The suit is admittedly filed by the society. During the course of hearing of the same it would be open for petitioner society to raise appropriate pleas also with regard to the authority, power and jurisdiction of the Deputy Registrar/Administrator to issue such directions. It would be open for them to urge that such a

direction/letter does not bind the Corporation which is local and planning authority. All such pleas can be raised during the course of hearing of the suit and they are expressly kept open. It is not necessary to entertain this petition. Petition dismissed.

(S.C.Dharmadhikari, J)